REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated July 1, 2003. Claims 1-2, 4-6, 8-10, 12-14, and 16-19 are currently pending in the application. As indicated above, Claims 3, 7, 11, and 15 have been cancelled without prejudice.

In the Office Action, the Examiner has rejected Claims 1 and 9 under 35 U.S.C. §103(a) as being unpatentable over *Hibino* (U.S. Patent 5,444,862) in view of *Sunay et al.* (U.S. Patent Application Publication Number 2002/0082019). The Examiner has rejected Claims 2 and 10 under 35 U.S.C. §103(a) as being unpatentable over the combination of *Hibino* and *Sunay*, and further in view of *Posti et al.* (U.S. Patent 6,466,794). The Examiner has rejected Claims 3 and 11 under 35 U.S.C. §103(a) as being unpatentable over the combination of *Hibino, Sunay*, and *Posti*, and further in view of *Hall et al.* (U.S. Patent 5,491,717). The Examiner has rejected Claims 4 and 12 under 35 U.S.C. §103(a) as being unpatentable over the combination of *Hibino* and *Sunay*, and further in view of *Hall*. The Examiner has rejected Claims 5 and 13 under 35 U.S.C. §103(a) as being unpatentable over *Koshino et al.* (U.S. Patent 6,169,909) in view of *Sunay*. The Examiner has rejected Claims 6 and 14 under 35 U.S.C. §103(a) as being unpatentable over the combination of *Koshino* and *Sunay*, and further in view of *Posti*. The Examiner has rejected Claims 7-8 and 15-16 under

35 U.S.C. §103(a) as being unpatentable over the combination of *Koshino* and *Sunay*, and further in view of *Hall*. The Examiner has rejected Claim 17 under 35 U.S.C. §103(a) as being unpatentable over of *Koshino* in view of *Sunay*. The Examiner has rejected Claims 18 and 19 under 35 U.S.C. §103(a) as being unpatentable over the combination of *Koshino* and *Sunay*, and further in view of *Mamaghani et al.* (U.S. Patent 5,794,148).

The present invention relates to a device and method for controlling transmission on a reverse link according to a status of a forward link channel, and more particularly, relates to a device and method for determining a transmission on the reverse link channel by checking the status of the forward link channel even in situations that a receiving frame discontinuously exists and a mobile terminal cannot check whether the receiving frame exists. Thus, the present invention provides a device and method in which the transmission on the reverse link is controlled by measuring a SNR (Signal-to-Noise Ratio) of power control bits (PCBs) of the forward channel.

As indicated above, the Examiner has rejected independent Claims 1 and 9 under 35 U.S.C. §103(a) as being unpatentable over *Hibino* in view of *Sunay*. Specifically, the Examiner alleges the *Hibino* discloses all the elements of Claims 1 and 9 except for using a detected power control bit for measuring reception strength. That is, *Hibino* merely discloses that the strength of a received mobile signal or strength of a mobile frequency signal is measured, but does **not** disclose that PCBs are detected for measuring reception strength and a specific bit of a received signal is used.

However, although *Sunay* discloses that PCBs are used as a determining reference to stop a transmission of a receiving side, it is respectfully submitted that the PCBs of *Sunay* are used for controlling power of a closed loop by analyzing strength of the receiving signal on the ***reverse link*** (not the forward link as in the present invention) and transmitting specific bit information, according to an inherent characteristic of PCB. Therefore, it is respectfully submitted that Claim 1 is patentably distinct from the combination of *Hibino* in view of *Sunay*, and it is respectfully requested that the rejection of Claim 1 be withdrawn.

Accordingly, independent Claim 9 defines a method corresponding to the device as recited in Claim 1. Therefore, it is respectfully submitted that Claim 9 is also patentably distinct from the combination of *Hibino* in view of *Sunay* for at least the reasons set forth with respect to Claim 1, and it is respectfully requested that the rejection of Claim 9 be withdrawn.

Regarding the rejection of claims 5 and 13, the Examiner asserts that *Koshino* discloses all the elements of Claims 5 and 13 except for using a detected PCB for measuring reception strength. That is, *Koshino* merely discloses that a reception condition is measured, but does not disclose that the PCBs detected for measuring reception strength are used and the specific bits of the received signal are used.

However, as indicated above, it is respectfully submitted that *Sunay* does not disclose that PCBs are used as a determining reference to resume a transmission of a receiving side. Therefore, it is respectfully submitted that Claim 5 is patentably distinct from the combination of *Koshino* in view of *Sunay*, and it is respectfully requested that the rejection of Claim 5 be withdrawn.

Accordingly, independent Claim 13 defines a method corresponding to the device as recited in Claim 5. Therefore, it is respectfully submitted that Claim 13 is also patentably distinct from the combination of *Koshino* in view of *Sunay* for at least the reasons set forth with respect to Claim 5, and it is respectfully requested that the rejection of Claim 13 be withdrawn.

Regarding the rejection of claim 17, Claim 17 defines a transmission stop method of the reverse link, which is defined in independent Claim 1, and a transmission resuming method of the reverse link, which is defined in independent Claim 5. That is, Claim 17 combines the features of Claims 1 and 5. Therefore, it is respectfully submitted that Claim 17 is also patentably distinct from the combination of *Koshino* in view of *Sunay* for at least the reasons set forth above, and it is respectfully requested that the rejection of Claim 17 be withdrawn.

Further, as indicated above, independent Claims 1, 5, 9, 13, and 17 have been amended to include the recitations of Claims 3, 7, 11, and 15, respectively. The Examiner

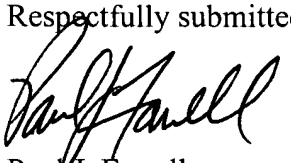
asserts that these recitations, i.e., wherein the reception strength of the forward link channel output from the measurer is an SNR calculated using the power control bit, are disclosed in *Hall*. However, while *Hall* does teach using a signal to noise ratio (SNR) as an example of signal information that can be used for received signal quality, it is respectfully submitted that *Hall* does not teach that the SNR is calculated using the power control bit, as is disclosed in amended, independent Claims 1, 5, 9, 13, and 17. Therefore, it is respectfully submitted that amended, independent Claims 1, 5, 9, 13, and 17 are further distinguished from the Examiner's cited art and it is respectfully requested that the rejection of Claims 1, 5, 9, 13, and 17 are withdrawn.

As indicated above, independent Claims 1, 5, 9, 13, and 17 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 4, 6, 8, 10, 12, 14, 16, and 18-19, they are likewise believed to be allowable by virtue of their dependence on Claims 1, 5, 9, 13, and 17, respectively. Accordingly, reconsideration and withdrawal of the rejections and objections of dependent Claims 2, 4, 6, 8, 10, 12, 14, 16, and 18-19 are respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-2, 4-6, 8-10, 12-14, and 16-19 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview

would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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